

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF Southern Indiana**  
**Minute Entry/Order**

**Hearing Information:**

**Debtor:** EASTERN LIVESTOCK CO., LLC  
**Case Number:** 10-93904-BHL-11 **Chapter:** 11  
**Date / Time / Room:** MONDAY, FEBRUARY 13, 2012 10:00 AM NA 103  
**Bankruptcy Judge:** BASIL H. LORCH  
**Courtroom Clerk:** KRISTIN GOSS  
**Reporter / ECR:** AMY BRUCKERT

**Matters:**

- 1) Continued Status Hearing Re: Motion to Quash Order Granting Motion for 2004 Examination upon the United States Department of Agriculture, Grain Inspection, Packers & Stockyards filed by Jill Zengler Julian on behalf of Joined Party United States Department of Agriculture, Grain Ins. [616] with a Brief in Support of Motion to Quash, filed by Jeffrey L Hunter on behalf of Joined Party United States Department of Agriculture, Grain Ins [630] and a Response in Opposition to Motion to Quash filed by Walter Scott Newbern III on behalf of Creditor Florida Association Livestock Markets [636]  
**R / M #:** 0 / 0
- 2) Hearing Re: Motion to Compel the Trustee to Produce Budgets and Financial Information filed by Laura Day DelCotto on behalf of Creditors Alton Darnell dba Darnell Alton Barn, Blue Grass Maysville Stockyards, LLC, Blue Grass South Livestock Market, LLC, Blue Grass Stockyards East, LLC, Blue Grass Stockyards of Campbellsville, LLC, Blue Grass Stockyards of Richmond, LLC, Blue Grass Stockyards, LLC, East Tennessee Livestock Center, Inc., Piedmont Livestock, Inc., Southeast Livestock Exchange, LLC [971] with a Response in Opposition to Motion to Compel filed by Dustin R. DeNeal on behalf of Trustee James A. Knauer [1016]  
**R / M #:** 0 / 0
- 3) Hearing Re: Motion to Consolidate Claims of 10-bk-93904 filed by Walter Scott Newbern III on behalf of Creditors Arcadia Stockyard, Daniel M. Byrd, Cattlemen's Livestock Market, Inc., Columbia Livestock Market, Inc., Eagle Bay, Inc., Florida Association Livestock Markets, Hardee Livestock Market, Inc., Madison County Livestock Market, Inc. d/b/a Townse, North Florida Livestock Market, Inc., Oak Lake Cattle Co., Ocala Livestock Market, Inc., Okeechobee Livestock Market, Inc., Ron Sizemore Trucking, Inc., Sumter County Farmers Market, Inc [975] with a Response in Opposition to filed by Shawna M Eikenberry on behalf of Trustee James A. Knauer [1018]  
**R / M #:** 0 / 0
- 4) Hearing Re: Trustee's Motion To Approve Certain Preference Avoidance Protocols And Terms Of Settlement filed by Wendy W Ponader on behalf of Trustee James A. Knauer [977] with an Objection filed by C. R. Bowles Jr on behalf of Petitioning Creditor Superior Livestock Auction, Inc. [1015]  
**R / M #:** 0 / 0
- 5) Hearing Re: Joinder of The First Bank and Trust Company to the Motion to Compel the Trustee to Produce Budgets and Financial Information filed by Daniel J. Donnellon on behalf of Creditor First Bank and Trust Company, The [976]  
**R / M #:** 0 / 0
- 6) Hearing Re: Motion to Compel Trustee to File Mandatory Report Required by 11 U.S.C. §1106(a), To Amend Schedules and Statement of Financial Affairs and Produce Budget filed by Christopher M. Trapp, John M. Rogers on behalf of Petitioning Creditor Superior Livestock Auction, Inc. [983] with a Response in Opposition to Motion to Compel filed by Dustin R. DeNeal on behalf of Trustee James A. Knauer [1017]  
**R / M #:** 0 / 0
- 7) Hearing Re: Joint Motion to Extend Time to File First Bank & Trust's Objections To The Trustee's Purchase Money Claims Report filed by Daniel J. Donnellon, Harmony A Mappes on behalf of Creditor First Bank and Trust Company, The, Trustee James A. Knauer [989]  
**R / M #:** 0 / 0

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(continue)... 10-93904-BHL-11

MONDAY, FEBRUARY 13, 2012 10:00 AM

- 8) Expedited Hearing Re: Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, For a Protective Order filed by Randall D. LaTour on behalf of Creditor Fifth Third Bank [1005] with Objections filed by: John M. Rogers on behalf of Creditor Joplin Regional Stockyards, Petitioning Creditor Superior Livestock Auction, Inc [1021] ; by Walter Scott Newbern III on behalf of Creditors Arcadia Stockyard, Daniel M. Byrd, Cattlemen's Livestock Market, Inc., Columbia Livestock Market, Inc., Eagle Bay, Inc., Hardee Livestock Market, Inc., Madison County Livestock Market, Inc. d/b/a Townse, North Florida Livestock Market, Inc., Oak Lake Cattle Co., Ocala Livestock Market, Inc., Okeechobee Livestock Market, Inc., Ron Sizemore Trucking, Inc., Sumter County Farmers Market, Inc. [1024] and by Daniel J. Donnellon on behalf of Creditor First Bank and Trust Company, The [1025]  
R / M #: 0 / 0
- 9) Expedited Hearing Re: Motion for Examination Under Fed.R.Bankr.P. 2004 filed by John David Hoover on behalf of Trustee James A. Knauer [1022] with an Objection to Motion for Emergency/Expedited Hearing filed by Randall D. LaTour on behalf of Creditor Fifth Third Bank [1028]  
R / M #: 0 / 0

**Appearances:**

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(continue)... 10-93904-BHL-11

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In Court Appearances:

TERRY E. HALL, ATTORNEY FOR JAMES A. KNAUER  
WENDY W PONADER, ATTORNEY FOR JAMES A. KNAUER  
SEAN T. WHITE, ATTORNEY FOR JAMES A. KNAUER  
JAMES A. KNAUER, ATTORNEY FOR JAMES A. KNAUER  
KEVIN M. TONER, ATTORNEY FOR JAMES A. KNAUER  
RANDALL D. LATOUR, ATTORNEY FOR FIFTH THIRD BANK  
KENT BRITT, ATTORNEY FOR FIFTH THIRD  
MELISSA GIBERSON, ATTORNEY FOR FIFTH THIRD  
TED KING, LOCAL COUNSEL FOR FIFTH THIRD BANK  
C. R. BOWLES, ATTORNEY FOR GLEN FRANKLIN, JOPLIN REGIONAL STOCKYARDS, NORTHWEST ALABAMA LIVESTOCK YARD, PHILLIP  
TAYLOR REED, RON P. REED, B&B FARMS, BILLY NEAT, BREEDING BROTHERS, BRENT KEITH, DAVID L. RINGS, DENNIS NEAT, GARY S.  
BELL, IKE'S TRUCKING, INC., JEREMY COFFEY, JIMMY BRUMMETT, MIKE LOY, MOSELEY CATTLE AUCTION, LLC, SOUTHEAST LIVESTOCK  
EXCHANGE LLC, SOUTHLAND HAULERS, LLC, SUPERIOR LIVESTOCK AUCTION, INC.  
JOHN W AMES, ATTORNEY FOR JOPLIN REGIONAL STOCKYARDS, PHILLIP TAYLOR REED, RON P. REED, DAVID L. RINGS, MOSELEY  
CATTLE AUCTION, LLC, SOUTHEAST LIVESTOCK EXCHANGE LLC, SUPERIOR LIVESTOCK AUCTION, INC.  
LAURA DAY DELCOTTO, ATTORNEY FOR ALTON DARNELL DBA DARNELL ALTON BARN, BLUE GRASS MAYSVILLE STOCKYARDS, LLC, BLUE  
GRASS SOUTH LIVESTOCK MARKET, LLC, BLUE GRASS STOCKYARDS EAST, LLC, BLUE GRASS STOCKYARDS OF CAMPBELLSVILLE,, BLUE  
GRASS STOCKYARDS OF RICHMOND, LLC, BLUE GRASS STOCKYARDS, LLC, EAST TENNESSEE LIVESTOCK CENTER, INC., PIEDMONT  
LIVESTOCK, INC., SOUTHEAST LIVESTOCK EXCHANGE, LLC, MOSELEY CATTLE AUCTION, LLC, SOUTHEAST LIVESTOCK EXCHANGE LLC  
JOHN M. ROGERS, ATTORNEY FOR JOPLIN REGIONAL STOCKYARDS, SUPERIOR LIVESTOCK AUCTION, INC.  
CHRIS TRAPP, ATTORNEY FOR JOPLIN REGIONAL STOCKYARDS, SUPERIOR LIVESTOCK AUCTION, INC.  
MICHAEL WAYNE OYLER, ATTORNEY FOR YOUR COMMUNITY BANK  
WILLIAM ROBERT MEYER, ATTORNEY FOR REPUBLIC BANK AND TRUST COMPANY  
IVANA B. SHALLCROSS, ATTORNEY FOR JOPLIN REGIONAL STOCKYARDS, DAVID L. RINGS, MOSELEY CATTLE AUCTION, LLC, SOUTHEAST  
LIVESTOCK EXCHANGE LLC  
JOHN HUNT LOVELL, ATTORNEY FOR CACTUS GROWERS, INC.  
DANIEL J. DONNELLON, ATTORNEY FOR FIRST BANK AND TRUST COMPANY, THE  
ELLIOTT D. LEVIN, ATTORNEY FOR SUPERIOR LIVESTOCK AUCTION, INC.  
DEBORAH CARUSO - ATTORNEY FOR KATHRYN PRY, TRUSTEE IN GIBSON CASE 10-93867  
ELIZABETH LALLY - ATTORNEY FOR KATHRYN PRY, TRUSTEE IN GIBSON CASE 10-93867  
JOHN HOARD - ATTORNEY FOR KATHRYN PRY, TRUSTEE IN GIBSON CASE 10-93867  
ANDREW STOSBERG - ATTORNEY FOR WILLIE DOWNS

Phone Appearances:

CHARLES R. WHARTON, ATTORNEY FOR U.S. TRUSTEE  
BRET S. CLEMENT, ATTORNEY FOR FIRST BANK AND TRUST COMPANY, THE  
JASON W. COTTRELL, ATTORNEY FOR REX ELMORE  
STEPHEN A. WEIGAND, ATTORNEY FOR FIRST BANK AND TRUST COMPANY, THE  
DAVID L. LEBAS, ATTORNEY FOR J&F OKLAHOMA HOLDINGS, INC.  
JESSICA E. YATES, ATTORNEY FOR CPC LIVESTOCK, LLC  
ROSS A. PLOURDE, ATTORNEY FOR BRENT KUEHNY, CRUMPLER BROS., STOCKMAN OKLAHOMA LIVESTOCK MARKETING, I, THE BANK OF  
KREMLIN  
WALTER SCOTT NEWBERN, ATTORNEY FOR ARCADIA STOCKYARD, CATTLEMEN'S LIVESTOCK MARKET, INC., COLUMBIA LIVESTOCK  
MARKET, INC.,  
TOMMY BYNUM, CREDITOR  
CHRIS BRUMFIELD - ATTORNEY FOR SUPERIOR  
JACK DAWSON - ATTORNEY FOR NICHOLS LIVESTOCK

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**Proceedings:**

\* Disposition: Hearing held.

(1) Agreed Motion to Continue filed by parties on 2/6/12. Motion Granted. Matter continued to Hearing on 5/14/12 @ 10:00 a.m. (EST). Newburn to submit order.

(2) Motion Granted. Trustee to post previous budgets within 10 days. DayDelcotto to submit order.

(3) Matter continued to Hearing on 3/12/12 @ 10:00 a.m. (EST). Notice given in open court.

(4) Objection Overruled. Motion Granted. Hall to submit order.

(5) Joinder Motion related to #2.

(6) Motion granted as to 1106(a). Trustee to file report within 30 days. Motion Denied as to Accounts Receivables. Rogers to submit order.

(7) Motion Granted. Donnellon to submit order.

(8) Motion Granted in part and continued in part to 3/12/12 @ 10:00 a.m (EST) in New Albany. Notice given in open court. Discussion held. S. White to conduct 2004 and will allow any other participants at the 2004 exam. The suggestion for remote access will be permitted. Parties to establish protocol for depositions - if court needed will resolve any issues by phone. Court to extend Packers and Stockyards deadline upon the filing of a motion. The scope of the 2004 is: if the estate has any claims against Fifth Third Bank. LaTour to submit order.

(9) Motion Granted. Hoover to submit order.

Emergency Motion to Seal In Reply to Trustee filed by W. Scott Newburn on 2/10/12 (Docket #1027) was discussed briefly. Matter continued to Hearing on 3/12/12 @ 10:00 a.m. (EST). Court to issue notice.

Note: Future omnibus hearing dates:

3/12/12 @ 10:00 a.m. (EST) in New Albany

4/23/12 @ 10:00 a.m. (EST) in New Albany

5/14/12 @ 10:00 a.m. (EST) in New Albany

6/11/12 @ 10:00 a.m (EST) in New Albany

Dial in number for each omnibus hearing: 1-888-399-7768 Participant Code: 586676#

**IF COUNSEL HAS BEEN DIRECTED BY THE COURT TO SUBMIT AN ORDER BASED ON THE COURT'S RULING OR THE PARTIES' AGREEMENT, THEN NO FURTHER NOTICE OR REMINDER WILL BE ISSUED. THE COURT WILL NOT KEEP A CASE OPEN SOLELY BECAUSE THE ORDER WAS NOT SUBMITTED WITHIN THE TIME PERIOD DIRECTED BY THE COURT. IN SUCH INSTANCE, A REOPENING FEE WILL APPLY.**